

105TH CONGRESS
1ST SESSION

H. R. 3081

To enhance Federal enforcement of hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 1997

Mr. SCHUMER (for himself, Mr. CONYERS, Mrs. MORELLA, Mr. MCCOLLUM, Mr. GEPHARDT, Mr. WAXMAN, Mr. CLEMENT, Mr. NADLER, Mr. HINCHEY, Mr. LEVIN, Mr. FORD, Mr. MEEHAN, Mr. DELLUMS, Mr. ENGEL, Mr. LEWIS of Georgia, Mr. LANTOS, Mr. OLVER, Mrs. LOWEY, Mr. ROMERO-BARCELÓ, Ms. CARSON, Mr. PALLONE, Mrs. KENNELLY of Connecticut, Mr. FILNER, Mr. REYES, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. OWENS, Mr. PAYNE, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mrs. MCCARTY of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance Federal enforcement of hate crimes, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Hate Crimes Preven-
5 tion Act of 1997”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the incidence of violence motivated by the
4 actual or perceived race, color, national origin, reli-
5 gion, sexual orientation, gender, or disability of the
6 victim poses a serious national problem;

7 (2) such violence disrupts the tranquility and
8 safety of communities and is deeply divisive;

9 (3) existing Federal law is inadequate to ad-
10 dress this problem;

11 (4) such violence affects interstate commerce in
12 many ways, including—

13 (A) by impeding the movement of members
14 of targeted groups and forcing such members to
15 move across State lines to escape the incidence
16 or risk of such violence; and

17 (B) by preventing members of targeted
18 groups from purchasing goods and services, ob-
19 taining or sustaining employment or participat-
20 ing in other commercial activity;

21 (5) perpetrators cross State lines to commit
22 such violence;

23 (6) instrumentalities of interstate commerce are
24 used to facilitate the commission of such violence;

25 (7) such violence is committed using articles
26 that have traveled in interstate commerce;

1 (8) violence motivated by bias that is a relic of
2 slavery can constitute badges and incidents of slav-
3 ery;

4 (9) although many local jurisdictions have at-
5 tempted to respond to the challenges posed by such
6 violence, the problem is sufficiently serious, wide-
7 spread, and interstate in scope to warrant Federal
8 intervention to assist such jurisdictions; and

9 (10) many States have no laws addressing vio-
10 lence based on the actual or perceived race, color,
11 national origin, religion, sexual orientation, gender,
12 or disability, of the victim, while other States have
13 laws that provide only limited protection.

14 **SEC. 3. DEFINITION OF HATE CRIME.**

15 In this Act, the term “hate crime” has the same
16 meaning as in section 280003(a) of the Violent Crime
17 Control and Law Enforcement Act of 1994 (28 U.S.C.
18 994 note).

19 **SEC. 4. PROHIBITION OF CERTAIN ACTS OF VIOLENCE.**

20 Section 245 of title 18, United States Code, is
21 amended—

22 (1) by redesignating subsections (c) and (d) as
23 subsections (d) and (e), respectively; and

24 (2) by inserting after subsection (b) the follow-
25 ing:

1 “(c)(1) Whoever, whether or not acting under color
2 of law, willfully causes bodily injury to any person or,
3 through the use of fire, a firearm, or an explosive device,
4 attempts to cause bodily injury to any person, because of
5 the actual or perceived race, color, religion, or national
6 origin of any person—

7 “(A) shall be imprisoned not more than 10
8 years, or fined in accordance with this title, or both;
9 and

10 “(B) shall be imprisoned for any term of years
11 or for life, or fined in accordance with this title, or
12 both if—

13 “(i) death results from the acts committed
14 in violation of this paragraph; or

15 “(ii) the acts omitted in violation of this
16 paragraph include kidnapping or an attempt to
17 kidnap, aggravated sexual abuse or an attempt
18 to commit aggravated sexual abuse, or an at-
19 tempt to kill.

20 “(2)(A) Whoever, whether or not acting under color
21 of law, in any circumstance described in subparagraph
22 (B), willfully causes bodily injury to any person or,
23 through the use of fire, a firearm, or an explosive device,
24 attempts to cause bodily injury to any person, because of

1 the actual or perceived religion, gender, sexual orientation,
2 or disability of any person—

3 “(i) shall be imprisoned not more than 10
4 years, or fined in accordance with this title, or both;
5 and

6 “(ii) shall be imprisoned for any term of years
7 or for life, or fined in accordance with this title, or
8 both, if—

9 “(I) death results from the acts committed
10 in violation of this paragraph; or

11 “(II) the acts committed in violation of
12 this paragraph include kidnapping or an at-
13 tempt to kidnap, aggravated sexual abuse or an
14 attempt to commit aggravated sexual abuse, or
15 an attempt to kill.

16 “(B) For purposes of subparagraph (A), the cir-
17 cumstances described in this subparagraph are that—

18 “(i) in connection with the offense, the defend-
19 ant or the victim travels in interstate or foreign
20 commerce, uses a facility or instrumentality of inter-
21 state or foreign commerce, or engages in any activity
22 affecting interstate or foreign commerce; or

23 “(ii) the offense is in or affects interstate or
24 foreign commerce.”.

1 **SEC. 5. DUTIES OF FEDERAL SENTENCING COMMISSION.**

2 (a) AMENDMENT OF FEDERAL SENTENCING GUIDE-
3 LINES.—Pursuant to its authority under section 994 of
4 title 28, United States Code, the United States Sentencing
5 Commission shall study the issue of adult recruitment of
6 juveniles to commit hate crimes and shall, if appropriate,
7 amend the Federal sentencing guidelines to provide sen-
8 tencing enhancements (in addition to the sentencing en-
9 hancement provided for the use of a minor during the
10 commission of an offense) for adult defendants who recruit
11 juveniles to assist in the commission of hate crimes.

12 (b) CONSISTENCY WITH OTHER GUIDELINES.—In
13 carrying out this section, the United States Sentencing
14 Commission shall—

- 15 (1) ensure that there is reasonable consistency
16 with other Federal sentencing guidelines; and
17 (2) avoid duplicative punishments for substan-
18 tially the same offense.

19 **SEC. 6. GRANT PROGRAM.**

20 (a) AUTHORITY TO MAKE GRANTS.—The Adminis-
21 trator of the Office of Juvenile Justice and Delinquency
22 Prevention of the Department of Justice shall make
23 grants, in accordance with such regulations as the Attor-
24 ney General may prescribe, to State and local programs
25 designed to combat hate crimes committed by juveniles.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated such sums as may be
3 necessary to carry out this section.

4 **SEC. 7. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO**
5 **ASSIST STATE AND LOCAL LAW ENFORCE-**
6 **MENT.**

7 There are authorized to be appropriated to the De-
8 partment of the Treasury and the Department of Justice,
9 including the Community Relations Service, for fiscal
10 years 1998, 1999, and 2000 such sums as are necessary
11 to increase the number of personnel to prevent and re-
12 spond to alleged violations of section 245 of title 18, Unit-
13 ed States Code (as amended by this Act).

14 **SEC. 8. SEVERABILITY.**

15 If any provision of this Act, an amendment made by
16 this Act, or the application of such provision or amend-
17 ment to any person or circumstance is held to be unconsti-
18 tutional, the remainder of this Act, the amendments made
19 by this Act, and the application of the provisions of such
20 to any person or circumstance shall not be affected there-
21 by.

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